

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CUSTOM METALCRAFT, INC.,)	8:05CV129
)	
Plaintiff,)	
vs.)	MEMORANDUM
)	AND ORDER
CIRCLE K MANUFACTURING CO.,)	
INC., a Nebraska corporation;)	
INDUSTRIAL TOTE SOLUTIONS,)	
INC., a Nebraska corporation;)	
RANDY VOGT, an individual; and)	
KATHLEEN VOGT, an individual,)	
)	
Defendants.)	

This matter is before the Court on the Recommendation of the United States Bankruptcy Judge. (Filing 14.) No objections to such Recommendation have been filed as allowed by 28 U.S.C. § 157 and NELR 76.1(b)(2).

I have conducted a de novo review of the Recommendation and I will adopt the Recommendation of the United States Bankruptcy Judge that the reference of this proceeding as against the individual defendants be withdrawn, that litigation proceed against the individual defendants, and that litigation remain stayed against the corporate defendants.

IT IS ORDERED:

1. The Recommendation of the United States Bankruptcy Judge (filing 14) is adopted;

2. The reference of this proceeding as against the individual defendants, Randy Vogt and Kathleen Vogt, is withdrawn and litigation may proceed against the individual defendants;
3. Litigation as to the corporate defendants, Circle K Manufacturing, Inc. and Industrial Tote Solutions, shall remain stayed;
4. The Clerk of the United States District Court for the District of Nebraska shall reopen this case as against the individual defendants for statistical purposes; and
5. This matter shall be referred to Magistrate Judge Piester for further progression.

July 5, 2005.

BY THE COURT:

s/Richard G. Kopf
United States District Judge